



*JFW*

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: 10/10/06 Name: Andrew D. Stover, Reg. No. 38,629 Signature:

BRINKS  
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GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Jerry R. Grychowski et al.

Appln. No.: 10/774,751

Filed: February 9, 2004

For: VENTILATOR CIRCUIT AND METHOD  
FOR THE USE THEREOF

Examiner: Nihir B. Patel

Art Unit: 3743

Attorney Docket No: 6298/449

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ a Second Supplemental Information Disclosure Statement; Form PTO-1449; 9 Cited References (C3-C11).
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date 10/10/06

Andrew D. Stover (Reg. No. 38,629)

BRINKS HOFFER GILSON & LIONE

NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

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### SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicant hereby cites the following reference(s):

#### U.S. Patent Documents

DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME
5,002,048	03/1991	Makiej, Jr.
US 2005/0217667 A1	10/2005	Dhuper et al.

#### Foreign Patent Documents

DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY
CA 2 210 721	07/1996	Canada
CA 2 329 126	10/1999	Canada
CA 2 354 561	06/2000	Canada
CA 2 424 731	10/2004	Canada
CA 2 493 078	02/2004	Canada
CA 2 515 593	08/2004	Canada
EP 0 281 650 A1	09/1988	Europe

#### Other Art Documents

OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>
Written Opinion in International Application No. PCT/IB2006/001027, dated September 21, 2006, 8 pages.
International Search Report in International Application No. PCT/IB2006/001027, dated September 21, 2006, 6 pages.

Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Pursuant to the undersigned attorney's obligation and duties under 37 C.F.R. §§ 1.56 and 1.98(a)(3) and (c), English language abstracts have been provided, where the original publications are not in English, for the express purpose of providing a concise explanation of the references to the Patent and Trademark Office with the opportunity to evaluate the same.

Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

For purposes of 37 C.F.R. §1.704(d), Applicant certifies that each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this Statement (a copy of any foreign communication first citing a listed reference is attached for the Examiner's reference).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

10/10/06  
Date

  
\_\_\_\_\_  
Andrew D. Stover (Reg. No.38,629)



FORM PTO-1449	SERIAL NO. 10/774,751	CASE NO. 6298/449
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE February 9, 2004	GROUP ART UNIT 3743
(use several sheets if necessary)		APPLICANT(S): Jerry R. Grychowski et al.

#### REFERENCE DESIGNATION

#### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	C1	5,002,048	03/1991	Makiej, Jr.		
	C2	US 2005/0217667 A1	10/2005	Dhuper et al.		

#### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	C3	CA 2 210 721	07/1996	Canada		
	C4	CA 2 329 126	10/1999	Canada		
	C5	CA 2 354 561	06/2000	Canada		
	C6	CA 2 424 731	10/2004	Canada		
	C7	CA 2 493 078	02/2004	Canada		
	C8	CA 2 515 593	08/2004	Canada		
	C9	EP 0 281 650 A1	09/1988	Europe		Abstract

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>					
	C10	Written Opinion in International Application No. PCT/IB2006/001027, dated September 21, 2006, 8 pages.				
	C11	International Search Report in International Application No. PCT/IB2006/001027, dated September 21, 2006, 6 pages.				

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.